

A PECULIAR TESTAMENT

Will Make Trust Last a Long Time.

(From Saturday's Advertiser.)

The will of the late George Galbraith was filed for probate yesterday by Cecil Brown, who is an executor with W. O. Smith named in the will. It is represented that the estate consists of real estate situated at Wahiawa, Oahu, valued at \$80,000 and personal estate in securities and cash valued at \$70,000 or thereabouts. The testator left no widow, but the list of his heirs at law and next of kin fills a page and a half of typewriting in the petition. The Hawaiian Trust Co., Ltd., is named as residuary legatee and trustee, and regarding the residue of his estate the testator gives the following peculiar direction, suggestive of legal knots to be untied at some future time. After the bequeathing of single lump sums, he says in his will:

"The balance, residue or remainder of my estate is to be placed in trust for as long a period as is legally possible, the termination or ending of said trust to take place when the law requires it under the statute."

Following is the list of bequests to be paid directly, free and clear of all taxes:

To Anne Jane Galbraith, second cousin, Mount Pottinger, Belfast, Ireland, \$500.

To Minnie Galbraith, second cousin, Ballymacarett, Belfast, Ireland, \$250.

To George Fitchie, nephew's son, Belfast, Ireland, \$500.

To Polly Smith, Ballydrain, County Down, Ireland, \$250.

To the children of dead brother, Sam Galbraith, Ringneal, County Down, Ireland, \$5000 to be divided share and share alike.

To the children of sister, Eliza Fitchie, Ballydrain, County Down, Ireland, \$5000 to be divided share and share alike.

To the children of dead sister, Sarah Patton, \$2000 share and share alike.

To Susannah Galbraith, second cousin's wife, Belfast, Ireland, \$2000.

To the children of dead first cousin, John Galbraith, Ballywilliam, near Comber, County Down, Ireland, \$2000 share and share alike.

To Martha Dickinson, niece, Ringneal, County Down, Ireland, \$1000.

To Hannah Fitchie, Ballydrain, County Down, Ireland, \$1000.

To Maude Fitchie, nephew's daughter, Ballydrain, \$1000.

To two nieces of Kittle Johnston, Comber, both named Mary, \$500 each.

To Josie Fink, Alameda, Cal., \$1000.

To Emma Douglas, Alameda, Cal., \$1000.

To Hugh Galbraith, nephew, Wahiawa, Oahu, \$1000.

To Manula, Kalahele, Oahu, \$1000.

To John Kalluli, alias Galbraith, Honolulu, \$1000.

To Lul Warren, Ewa, Oahu, \$250.

To Cecil Brown, Honolulu, \$1000.

To H. M. von Holt, Honolulu, \$1000.

To Mrs. Mackintosh, sister of Cecil Brown, \$500.

To Helena Fonseca, Honolulu, \$500.

To Robert William Cathcart, Honolulu, \$2000, "or to his heirs, if deceased."

To the five children of H. M. von Holt, \$500 each.

To the five children of Robert William Cathcart, \$500 each, the aforesaid Cathcart to act as their trustee.

The Hawaiian Trust Co., as trustee of the balance, residue or remainder of the estate, is directed to pay the following annuities, free and clear of all taxes, to the persons named: Sam Galbraith's children, \$1500; Eliza Fitchie, \$1500; Barry Fitchie's children, \$300; Anne Jane Galbraith, \$150; Minnie Galbraith, \$150; Sarah Patton's children, \$300; John Galbraith's children, \$500; Kittle Johnston's two nieces, each, \$100; Maude Fitchie, \$150; Martha Dickinson, \$100; Manula, \$250; J. Kalluli, alias Galbraith, \$250; Robert William Cathcart's children, \$250; Hugh Galbraith, \$300; Hugh Galbraith's seven children, \$250; Josie Fink, \$150; Emma Douglas, \$150; Matilda Bailey, Ballydrain, \$50.

"All of the foregoing for life, and then to their heirs," the will says, "save and excepted the last three persons, namely, Josie Fink, Emma Douglas and Matilda Bailey, who are to receive only their life annuities and at their death all their interests to cease."

"On the final ending and distribution of the trust, the trust fund to be divided equally amongst those persons entitled at that time to the aforementioned annuities."

The will was executed on January 21, 1904, in presence of George L. Bigelow and F. F. Fernandez.

The total of bequests in lump is \$36,850, which the personality is enough to pay and leave a balance of \$33,150. Adding this amount to the value of the real estate, \$80,000, would make the remainder \$113,150. To make this yield the amount of annuities it would have to earn 7.50 per cent per annum. Expenses of administration will make the remainder somewhat less than stated, and it will probably, if not increased by good management, require an earning power of about nine per cent to meet the annuities.

JUDGMENTS RENDERED.

Judgment was rendered by Judge Robinson for plaintiff in the suit of H. O. Middlemich, trustee in bankruptcy of Charles F. Herrick Carriage Co., vs. David Kawanakani, being on a promissory note for \$616.25 with

interest at 8 per cent from September 2, 1902, attorney's fee and costs. Plaintiff in person. Ashford for defendant. Exceptions were noted.

Judge De Holt gave judgment for plaintiff in the suit of Hawaiian Trust Co. vs. A. M. Brown, reprieve for liquors valued at \$199.22 seized at the Moana hotel under execution by the defendant while High Sheriff. Cooper and Derby for plaintiff; Middlemich and Brown for defendant.

PARKER CASE SET.

Pursuant to the decision of the Territorial Supreme Court affirming his jurisdiction, Judge Gear yesterday set for hearing on November 21 the petition of J. S. Low, as next friend, for the removal of A. W. Carter, guardian of Annie T. K. Parker, a minor. The judgment, whatever it may be, will of course be subject to the decision of the Federal Supreme Court on the question of jurisdiction, as well as liable to appeal on the merits of the case to the Territorial Supreme Court.

THE LAND COURT.

Judge Weaver of the Court of Land Registration has granted a decree of registration to John Walker for property in Young street.

The petition of Pulehu Plantation Co., Ltd., for a title has been referred to Charles F. Peterson for examination.

COURT NOTES.

Yesterday the Supreme Court heard the matter of the estate of Margaret V. Carter, deceased, and W. W. Bierce, Ltd., vs. C. J. Hutchins, trustee of Kona Sugar Co., Ltd. Derby and Galbraith, in the latter, for plaintiff; Cathcart and Withington for defendant.

Judge Dole in the Federal Court discharged K. Kaji from bankruptcy. He continued the admiralty suit of Mrs. Makalilihi vs. Bark Olympic, damages for death of husband, until Tuesday next.

Judge Gear approved the accounts of Belle McC. Jones, guardian of the minor children of E. A. Jones, deceased, confirming the master's report thereon by George A. Davis.

KOREANS AT OLAU ATTEMPT LYNCHING

There was trouble in Keauau last Saturday which might have ended seriously had it not been for the timely arrival of Ed. Soper, a division luna of the Oahu plantation. It seems that a Korean died at Keauau, leaving a widow and some small debts. In the Korean colony at that place is a prosperous cook who had put aside a few dollars for the proverbial rainy day. The Koreans to whom the dead man was indebted wanted their coin and in order to get it arranged with the cook to marry the widow. It was a case of barter being willing but the widow balked.

The woman sought the services of I. E. Ray, a district court attorney, and with an interpreter for the Koreans and Yotaro for the Japanese, he proceeded to the village and began an investigation. Following a custom of the Far East the Korean interpreter was seized and taken into a house. There was considerable excitement during which Yotaro got lost and Mr. Ray went to the store to telephone.

By this time Mr. Soper heard of the racket and went to the scene. He learned where the interpreter and the Koreans were and he proceeded to batter down the door. The interpreter was securely bound and had a rope around his neck preparatory to being swung off. Soper cut the man loose and went after the Koreans knocking them right and left. He met with some resistance but was equal to the occasion and the men decamped over the veranda railing. Ray and the interpreters then came back to Hilo and the matter was reported to the police department. Sheriff Andrews went up to Keauau before daylight on Sunday morning and arrested nine of the men directly interested in the assault on the interpreter and they were brought to Hilo. They had a hearing before Judge Hapai on Monday, when the case was postponed to the 14th inst.—Herald.

THE LAST TRIBUTES TO MISS RYCROFT

The funeral services over the remains of Miss Alice Rycroft were held at St. Andrew's Cathedral yesterday afternoon. Mr. Simpson officiated at the impressive Episcopal burial service. The family and friends filled the church. Several hymns were rendered by the choir, the 23rd Psalm was repeated by all present and Mr. Simpson offered a prayer. It was then announced that the remainder of the service would be held at the grave. Then to the choir's soft chant the pall bearers passed out with the urn, followed by the immediate family. All then drove to the Nuuanu street cemetery where the remainder of the service was held. The urn was then interred and the many beautiful floral pieces arranged. A large violet wreath of Mr. Denison was enclosed with the urn in the coffin before being lowered.

CHAMBERLAIN'S COUGH REMEDY IN OLD VIRGINIA.

The Hutchinson Drug Company, which is located at Perry, Oklahoma, U. S. A., in speaking of the sale of Chamberlain's Cough Remedy, says: "We take pleasure in recommending it to our customers because we believe it honestly made and a meritorious preparation. We sold it in Old Virginia and several other states, covering a period of over twenty years, and have always found it to give perfect satisfaction." For sale by all Dealers and Druggists. Boston, Smith & Co., Ltd., Agents for Hawaii.

REPUBLICANS AGREE TO HONOR CAMPAIGN PLEDGES

Lively Ratification Meeting at Aala Park Where Senators and Members-Elect Promise to Make Good in the Legislature.

(From Sunday's Advertiser.)

The Republican victory of Tuesday was ratified last night at Aala Park where the voters, who made it possible, massed by hundreds about the platform from which the successful candidates expressed their thanks. Speaker after speaker held himself ready to carry out the pledges made during the campaign, to endeavor to have a sixty-day and economical session of the Legislature, and to sustain the planks of the Republican platform from first to last.

Chairman A. G. M. Robertson of the Central Committee presided, introducing each speaker with some apt saying indicative of some incident or quality brought out during the campaign.

The first speaker was Senator John C. Lane, who spoke in Hawaiian. He spoke of the great victory rolled up by Republican votes and referred to it as a victory of principles. He stood ready to carry out all pledges made by him during the campaign and he hoped that the people would be satisfied with the manner in which he attended to the affairs of the territory.

Senator Dowsett pledged himself to do all in his power to advance the interests of the territory by good, honest and economical management.

Chairman Robertson then stated that when the Democrats on election morning saw the "Red Shirts" going to the polls to vote the straight Republican ticket they immediately conceded and admitted that it was "all off with the Democracy." The "Red Shirts" of Palmy and Kalihi have since been shaking hands with the "Red Shirts" of Puuoa over the election of Faxon Bishop.

Faxon Bishop, on being thus introduced, said that the audience had standing before it the "weakest man on the Republican Senatorial ticket," but he said the "weakest man" was strong enough to beat any Democrat or Home Ruler. A few minutes before his friend Captain Berger and the band had played "Aloha Oe." He thought it was strange that Aloha Oe should be played on such a victorious occasion, when every one was feeling so good over the result of the election, but on second thought he supposed Berger was playing it as a dirge for the Democrats and Home Rulers.

His first recollection of a campaign was in 1872 when General Grant was elected President. Ever since then it had been the custom to hear the cry that the Republican party had swept the Union from California to Maine, but now a new cry was being heard, "We have swept the Union from the sandy shores of Niihau to the pine-clad hills of Maine."

He considered that the victory which was due to the Hawaiian vote, was even more significant than appears on its face, and it was evident to him that the Hawaiians are thorough Americans and had now joined interests under one flag and were working for the best interests of the islands and their people. It had been demonstrated that the Hawaiians have asserted themselves as American citizens and he thereupon made special recognition of all that he and all the other successful candidates had received at their hands. He spoke with warmth, particularly of the Fifth District. The Hawaiians of the Fifth had set an example and established a precedent which the white voters of Honolulu might well follow, for they had been faithful to the party by voting the straight ticket.

"I want to set myself straight with the voters," said he. "I have been told all through the campaign that I would not be elected because I was too proud, because I walked along the street and did not notice you, and that therefore I was not popular enough to be elected. If I have a habit of that kind I must have acquired it from my friend W. A. Kinney, because, in reality, I do not consider myself better than any of

my constituents.

"I acknowledge right here and recognize the fact that my election to the Senate is due to the people and I want all people to understand, that if you have any grievances, any legislation you wish to propose, that any one of you is just as much liberty to interview me as the biggest man in this country—I don't care who he is."

Stephen Desha, introduced as one of the staunchest Hawaiian friends the Republican party has, because he has the interests of the Hawaiian people at heart, spoke in Hawaiian with his usual eloquence which carried his audience along with him on a ripple of applause from beginning to end. He told many stories illustrative of political statements.

Representative W. W. Harris said that a politician was once elected on the merits of a single speech. He had stood upon the platform and said: "My fellow countrymen, follow me to that saloon yonder." (Laughter.) The Republican party did not win the last election that way. It was won on the merits of its platform and upon the faith the people reposed in the candidates. Upon the basis of a Republican victory the Governor had felt that the Territory could easily negotiate another loan of a million dollars and had sent the Secretary of the Territory east to procure it.

A Democrat had said to him that the Republican party was getting money from abroad but how was it going to repay the amounts. There were \$5,000,000 worth of public lands that could be utilized as an asset against these loans.

"We can pay back every dollar that we owe," said Mr. Harris. "The Republican party won this election on the merits of its platform. Fellow citizens, I don't believe in a ratification meeting. I believe that the ratification the people want is to see a sixty-day legislative session, to see proper measure put through and to see the Territory keep down its expenses within its income. If the Republican legislators can do all these things in sixty days and come back before you for re-election we will have the largest sweep we have ever thought of."

Frank Andrade spoke both in Hawaiian and in English. He said: "You have shifted the responsibility from your shoulders to our own. The majority of you voted the straight ticket—the only proper thing to do. It was up to you whether the Territory should progress or go backward."

"I stand ready to carry out every pledge made by me during the campaign. I go a little further. I want to carry into effect every plank in the platform. I want to go into the legislature and do my full duty by you voters."

Other speakers were Representatives Aylett, Mahelona, Kalelopu, Kalawala and Charles Broad, who spoke in Hawaiian.

Representative Waterhouse took the opportunity to thank each and every one for all the votes they had cast for him. He said he desired to thank not only the Republicans, but Democrats and Home Rulers. There was an indication to him also that they had voted the straight Republican ticket. He said he had met a Democrat on the street a few days before election. The man had told him he would be on hand at his (Waterhouse's) political funeral. He said he did not expect to see so many people present at his "funeral" as were massed in front of him then. (Laughter.) There had been some "funerals" though, and one was that of "Independent" candidates and their campaigns. Mr. Waterhouse was ready to redeem all pledges made by him during the campaign.

The meeting broke up with three rousing cheers for the Republican party.

KAMANA CONGRATULATED UNDER THE KAMANI TREE

(From Monday's Advertiser.)

The appointment of William Kamana to the Wardenship of Oahu Prison has caused no greater satisfaction anywhere than within the grim walls of the prison itself. This was evident yesterday, when from eleven o'clock to half past twelve, the officers not on duty and all the prisoners, gathered under the famous jail tree, and celebrated the appointment of the new warden with address, songs and congratulatory talks.

The prison committee of the Y. M. C. A. had given the time usually occupied by them for religious services, for the purpose, and the members of the committee, themselves went out in full

force to add their voices to the congratulatory chorus of the prison. The Hawaiian and American flags entwined their folds around the kamani tree, which presented quite a gay appearance. Around it, seated upon rows and rows of benches, forming a hollow square, were the prisoners, anxiously awaiting the developments of the day and entertained while waiting by the singing of the numerous birds which flit to and fro above the meeting place.

The services began at eleven o'clock, when Secretary H. C. Brown of the Y. M. C. A. asked the congregation to rise and join in the singing of the hymn "There is Sunshine in My Soul Today." Then the 103th psalm was read in English and Hawaiian, after which prayer was offered by the Rev. Mr. Turner. The Oahu Prison files

Club contributed to the program several selections, both in English and Hawaiian, which they sang remarkably well.

While the singing by the Glee Club of the song "What a Gathering" was in progress, Warden Kamana made his appearance and was escorted to a seat by Turnkey W. H. Kealakal and Captain C. A. Bishaw. He was received by the whole congregation arising and remaining standing until the warden had been seated. John M. Martin, chairman of the prison committee of the Y. M. C. A., and the Rev. Mr. Manase then addressed the congregation and congratulated Warden Kamana upon his well-deserved promotion. Secretary Brown, in behalf of the Y. M. C. A., paid a high tribute to the character of the late warden, now High Sheriff Henry, and congratulated the Territory and the prisoners that he had been succeeded by such a worthy man as Mr. Kamana. The O. P. Glee Club sang the beautiful song "He Leo Aloha" and then Turnkey Kealakal and Captain C. A. Bishaw advanced to the front and, in behalf of the officers of the prison, presented Warden Kamana, with an address. It was written in both English and Hawaiian, beautifully illustrated in pen and ink, an elaborate scroll surrounding the whole. The address was as follows:

"It is with great pleasure and gratification that we, the undersigned, officers and guards of Oahu Prison respectfully beg to offer you our most sincere congratulations upon your promotion to the Wardenship of Oahu Prison. It is, to us, a striking illustration of the fact that it is still possible for a Hawaiian to receive some of the highest honors within the gift of the people of this Territory. We believe that your long services in the Police Department and your steady rise therein, constitute an object lesson to the Hawaiian people. Your recent promotion is a well-deserved tribute to your honesty, ability and faithfulness to duty. As an officer in the Police Department and, for the past eleven years, as Deputy Warden of Oahu Prison, you have proven yourself to be an honor to your race and a worthy son of Hawaii. We most sincerely hope that the same cordial relations which have always existed between us, in the past, will continue unbroken in the future. While pledging you our most faithful co-operation in the performance of your administrative duties, we pray the Almighty that you may be spared to enjoy for many years the legitimate recompense deserved by a life of faithfulness and devotion to duty."

This was signed by all the officers of the prison, most of whom have served under Deputy Warden Kamana for many years.

Warden Kamana, visibly affected, answered in part as follows:

"I cannot find words sufficient to tell you how much I appreciate this demonstration, which is, indeed, one of encouragement and good will towards me. I thank you all for it."

"I am much gratified to see among us today the members of the Prison Committee of the Y. M. C. A. For years, gentlemen, I have had the pleasure to welcome you here Sunday after Sunday, and I assure you that I have appreciated your efforts in behalf of the men confined here. Permit me to assure you that I shall be as much pleased to welcome you here in the future as in the past, and that I shall do all in my power to help you in your work."

"To you, officers of Oahu Prison, I heartily give my thanks for your address. Without your help and co-operation it would be impossible for any warden to fulfill his whole duty. As you so kindly say in your address, I hope that the same cordial relations will continue between us as have existed for so many years and that you will all help me to make the administration of Oahu Prison as easy, as humane, and as just as it is possible to make it. Let us all strive together to keep it to the efficient standard attained by our late Warden, High Sheriff William Henry."

"You men, whom the troubles of this life have placed temporarily between these walls, know that you have my sympathy. My service here has taught me that prison life is a hard one indeed, but it can be made easier if you accept it in a spirit of resignation. Be obedient to your officers, execute promptly all their orders, respect the rules which have been made for your direction and you will find that it shall be my pleasure and that of my officers to make it as easy for you as possible."

"Once more, gentlemen, officers and men, I tender you my sincere thanks for your words of encouragement and good will."

Other speakers were Mrs. G. W. Rider, E. A. Miller, A. E. Lutz and Rev. Mr. Turner. The services came to a close with the singing of Hawaii Poni by the whole congregation.

Pity the sorrows of a poor penitentiary. His name is Tchin Pong Y. and he is in a peck of trouble. He is, or was, as the case may be, minister of Corea at St. Petersburg, but since the Japs and Russians began fighting, his pay failed to reach him, and now the "remnant"—pardon the war word—of the Korean Government really him. Tchin Pong Y. would be delighted to get a few thousand miles away from St. Petersburg, but he can't raise the price of transportation. For some time past his financial embarrassments have been acute, but with truly aristocratic fortitude he consoles himself with the thought that it is the duty of a gentleman to have debts and debts are obligations. He needs just forty-eight thousand rubles to put him square with his creditors. But who will pay the money—the Japs or the Koreans? That is a serious question for the distinguished minister.

RECEIVER'S SCRIP ISSUE

To Pay Taxes and Rent. Kona Sugar Co.'s Suit—Notes.

Judge De Holt has made an order authorizing William Pfothauer, receiver of Puna Sugar Co., to issue receiver's certificates for the payment of all taxes and rents due by the company. The scrip is to bear interest of 8 per cent per annum, and constitute a first and paramount lien and incumbrance upon all the company's property.

Judge Robinson appointed Mary K. Puuki as guardian of Mary Kahai, minor, under \$1000 bond.

Pleas in abatement have been filed in the assumpt suit of William W. Bierce, Ltd., vs. Clinton J. Hutchins, trustee, et al. The argument is that the matter is pending in the Supreme Court on appeal. Separate demurrers have been filed in the same case saying that, according to the complaint, judgment was rendered against Hutchins for \$22,000 as the value of the property found by the court, while it appears in the return bond that the value of the property set forth in the complaint and affidavit is \$15,000.

In the foreclosure suit of August Ahrens against the Henry Waterhouse Trust Co., administrator of the estate of W. H. Cornwell, deceased, and others, the administrator makes answer saying it is entitled to the equity of redemption in the lands sought to be foreclosed, and in all moneys arising from any foreclosure sale of said lands over and above the amount of note and interest and costs of suit, and that the defendants Blanche C. Walker, William H. Cornwell, Kate Braymer and Josephine L. Cornwell have no claim and are not entitled thereto.

The Supreme Court has dismissed the exceptions of defendant in the suit of H. M. von Holt, executor of the estate of Frank Brown, vs. Haleakala Hart.

Charles Phillips, administrator of the estate of Henry Congdon, has filed his final account, showing receipts \$1456.75, payments \$411.75, balance \$1045.

Defendant Ku in the suit of Solomon Kahawai vs. D. Kuaka and Ku answers the complaint with a general denial.

Judge Robinson has remitted costs to Mary J. Dickson in her divorce suit. Emmeluth & Co. vs. Kapiolani Estate is discontinued.

In the suit of Otto S. Meyer and Harvey R. Hitchcock vs. Kamala Sugar Co., defendant files a general denial. Judge Robinson's jurors will appear tomorrow morning.

Judge Gear is expected to give a ruling in the Waiakua riot case tomorrow morning.

HONOKAA LIQUOR CO. ASKS FOR CHARTER

Articles of association of the Honokaa Wine & Liquor Co., Ltd., have been filed in the office of the Treasurer of Hawaii by W. C. Peacock, J. G. Rothwell, C. S. Weight, R. L. Auerbach and H. W. Adams. The principal office shall be Honolulu and the purpose is to take over the liquor and tobacco business heretofore conducted at Honokaa, Hamakua, Hawaii, by William Russell, Joseph Burkinshaw, Simon Bonde and W. C. Peacock & Co., Ltd. The privileges of a hotel business, of acting as agents, of dealing in real and personal property up to three times the amount of its capital stock, of dealing in shares and bonds of other corporations, and of doing "any other act or business, agricultural, mercantile or otherwise, are taken by the corporation. The capital stock is \$6250 with the privilege of increasing it to \$200,000, the shares being of the par value of \$25 each.

The term is 50 years and the officers for the first year are: J. G. Rothwell, president; William Russell, vice-president; C. S. Weight, treasurer; R. L. Auerbach, secretary; Joseph Burkinshaw, director; A. W. T. Bottomley, auditor. The Peacock company takes 160 shares, William Russell 20, Simon Bonde and Joseph Burkinshaw 10 each and the five incorporators one each.

DAVID KEKUEWA UP FOR BURGLARY

David Kekuewa, the former catcher for the Kamehameha baseball team, was brought from Molokai yesterday on the Kaula to answer to the charge of burglary. It seems he entered the Pukoo Saloon about before last and took two demijohns of wine. He was somewhat intoxicated at the time. Kekuewa was the bartender of the saloon and opened the door with his key. He offered to settle with the proprietor to no avail.

May Lose Benefit.

The Waimea river embankment will soon be under way. There is an appropriation of \$15,000 with which to do this work, and unless it is begun at once the winter rains will make it impossible to accomplish the work this year, and the appropriation will lapse, and this Kona will be defrauded out of this large and greatly needed improvement—Gardner Island.